

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-20 are currently pending. The present amendment amends Claims 1, 9 and 10 adds Claims 13-20. Support for the present amendment can be found in the originally filed specification, for example, on page 20, line 2 to page 23, line 16, and in Figures 3 and 4. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1, 2, 7-10, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tuchitoi et al. (U.S. Patent No. 6,906,813, hereinafter “Tuchitoi”) in view of Bhogal et al. (U.S. Publication No. 2002/0063884, hereinafter “Bhogal”); Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tuchitoi in view of Bhogal, and further in view of Valorose (U.S. Publication No. 2002/0059265); and Claims 5, 6, and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tuchitoi in view of Bhogal, and further in view of Yoshida et al. (U.S. Patent No. 6,130,757, hereinafter “Yoshida”).

Applicants would like to thank Examiner Singh for the courtesy of an interview granted to Applicants’ representatives on July 12, 2007, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented during the interview.

Turning to the outstanding rejections under 35 U.S.C. § 103(a), Applicants respectfully traverse these rejections as discussed below.

Claim 1 recites:

An image reproducing apparatus with multiple applications, comprising:

suspending means that suspend a prescribed operation regarding image reproduction;

releasing means that release the image reproducing apparatus from the suspended state;

a job accepting unit that accepts multiple types of image-reproduction-related jobs in parallel;

a determination unit that, when an execution start request for a first job is received at the job accepting unit after the release from the suspended state, re-queries each of the multiple applications to determine whether a second job with a higher priority than the first job is executable among said multiple types of jobs; and

a control unit that, after the release from the suspended state, instructs the determination unit to re-query each of the multiple applications as to whether there is any job execution start request, and that withholds execution of the first job if there is a request for the second job with the higher priority that is executable.

As stated in the original specification, for example, at page 21, the determining unit as claimed in Claim 1 will re-query the multiple applications (i.e. an external printer) at the request of the control unit after the suspended state of the image reproducing apparatus is removed to determine if the image producing apparatus itself, or any of these external applications, have sent a job execution start request since the beginning of the suspended state. If such a job execution start request was sent, the determination unit will determine whether the job has a higher priority than a first job and will determine whether the job is able to be executed based on the current operating state of the image reproducing apparatus. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Tuchitoi describes a print control apparatus including a promote processor 316 which promotes a job when there has been an instruction to priority print a print job.¹ Tuchitoi also describes that, if the higher priority print job interrupts printing of a lower priority print job, then the lower priority print job will automatically resume printing after the higher priority

¹ See Tuchitoi, at column 8, lines 25-33.

print job is completed.² However, as conceded by the outstanding Office Action in section 3, on page 2, Tuchitoi “fail to teach an image reproducing apparatus comprising: a determination unit that, when an execution start request for a first job is received at the job accepting unit after the release from the suspended state, determines whether a second job with a higher priority than the first job is executable among said multiple types of jobs; and a control unit that withholds execution of the first job if the second job is executable.”

Instead, the outstanding Office Action relies on Bhogal as describing these features. Specifically, the outstanding Office Action in section 3, on page 3, cites to step S405 in Figure 4 and paragraphs [0034]-[0035] of Bhogal as describing the claimed determination unit. Further, the outstanding Office Action cites to step S407 in Figure 4 and paragraph [0035] in Bhogal as describing the claimed control unit.

However, it is respectfully submitted that Bhogal does not disclose or suggest ““a determination unit that...after the release from the suspended state, re-queries each of the multiple applications to determine whether a second job with a higher priority ... is executable” or “a control unit that, after the release from the suspended state, instructs the determination unit to re-query each of the multiple applications as to whether there is any job execution start request, and that withholds execution of the first job if there is a request for the second job with the higher priority that is executable,” as recited in amended Claim 1.

Instead, Bhogal describes that after a new print job is received in the printing queue, the priority of the new print job is compared to the priority of other jobs already in the queue.³ Bhogal then describes that, if the new print job has the highest priority in the queue, then the priority of the new print job is compared with the priority of the job currently printing.⁴ Bhogal then describes that, if the new print job has a higher priority than the

² See Tuchitoi, at column 4, lines 1-7.

³ See Bhogal, at paragraph [0034].

⁴ See Bhogal, at paragraph [0034].

current print job, the current print job is postponed and the new print job is printed.⁵ Thus, Bhogal merely describes that if a new job has a higher priority then it is moved to the front of the queue and *immediately executed*. However, Bhogal does not describe that another job can be executed first if a job with the highest priority is not able to be executed.

Therefore, assuming the combination of Tuchitoi and Bhogal is proper, the combination of the references does not disclose or suggest that, after reproducing is suspended, the image reproducing apparatus and each external application is re-queried to determine if a new print job with a higher priority than the current print job has been sent. Additionally, it is respectfully submitted that the combination of Tuchitoi and Bhogal does not disclose or suggest that, if a higher priority request is received, it is determined whether the higher priority request is executable in view of the current status of the reproducing apparatus. Thus, Applicants respectfully request that the outstanding rejection of Claim 1, and all claims dependent thereon, as unpatentable over Tuchitoi in view of Bhogal, be withdrawn.

Claim 9, while directed to an alternative embodiment, recites features similar to those discussed above with respect to Claim 1. Therefore, for at least the reasons discussed above with respect to Claim 1, Applicants respectfully submit that Claim 9 patentably defines over Tuchitoi in view of Bhogal. Thus, Applicants respectfully request that the outstanding rejection of Claim 9, and all claims dependent thereon, as unpatentable over Tuchitoi in view of Bhogal, be withdrawn.

With regard to the rejection of Claims 3 and 4 as unpatentable over Tuchitoi in view of Bhogal, and further in view of Valorose, it is noted that Claims 3 and 4 are dependent on Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Valorose does not cure any of the above-noted

⁵ See Bhogal, at paragraph [0035].

deficiencies of Tuchitoi or Bhogal. Accordingly, it is respectfully submitted that Claims 3 and 4 are patentable over Tuchitoi in view of Bhogal, and further in view of Valorose.

With regard to the rejection of Claims 5, 6, and 11 as unpatentable over Tuchitoi in view of Bhogal, and further in view of Yoshida, it is noted that Claims 5 and 6 depend on Claim 1, and Claim 11 depends on Claim 9, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Yoshida does not cure any of the above-noted deficiencies of Tuchitoi or Bhogal. Accordingly, it is respectfully submitted that Claims 5, 6, and 11 are patentable over Tuchitoi in view of Bhogal, and further in view of Yoshida.

New Claims 13-20 find support in the original specification, for example, from page 20, line 2 to page 23, line 16, in Figures 3 and 4, and in the original claims. Thus, it is respectfully submitted that no new matter is added.

New Claim 13 recites, *inter alia*, “a determination unit that, when the job accepting unit accepts an execution start request for a first job after the release of the image reproducing apparatus from the suspended state, is configured to re-query each of the multiple applications to determine whether a second job with a higher priority than the first job is executable among said multiple types of jobs” and “a control unit configured to instruct the determination unit to re-query each of the multiple applications as to whether there is any job execution start request after the release from the suspended state and configured to withhold execution of the first job if the second job with the higher priority is executable, and to allow another job to be executed if the second job with the higher priority is not executable.” In view of the above discussion, Applicants respectfully submit that none of the cited references disclose or suggest these features. Therefore, Applicants respectfully submit that Claim 13, and all claims dependent thereon, patentably define over the cited references.

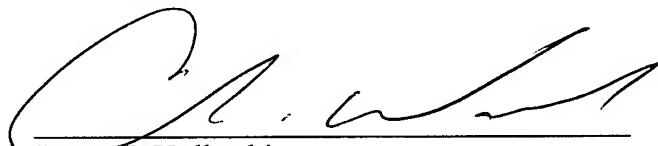
Additionally, it is noted that new Claims 18 and 19 depend on Claims 1 and 9 respectively. Thus, it is respectfully submitted that new Claims 18 and 19 are patentable for at least the reasons discussed above with respect to Claims 1 and 9.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Christopher D. Ward
Registration No. 41,367

Customer Number
22850
Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

JJK:CDW:CBH\la